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NO. 103 P. 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/627,119 Confirmation No.: 3915
Applicant(s): DiTroia, G.
Filed: 7/24/2003
Art Unit: 3729
Examiner: Trinh, Minh N.
Title: Method of Making An Angled Conductor Electrical Connector
Attorney Docket No.: 003B.0033.U2 (US)
Customer No.: 29,683

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition To Commission
(37 C.F.R. §1.181)

Sir:

This is a petition under 37 C.F.R. §1.181 to invoke the supervisory authority of the Commissioner.

Statement Of Facts

1. In an office action mailed 11/12/2004 the examiner objected to the dependent claims (claims 12-16 and 21-23, line 1) stating that "A method" should be changed to -The method--.
2. In a Response filed on 02/11/2005 Applicant's Attorney requested the examiner to reconsider his objection.
3. In an office action mailed 05/06/2005, the examiner continued his objection and cited 37 C.F.R. §1.75(c) stating that the dependent claims were of improper dependent form.

Point To Be Reviewed

Is the objection to the dependent claims because they recited "A method" and not -The method-- proper?

Action Requested

The Commissioner For Patents is requested to reverse the examiner's objection to the wording of the dependent claims.

Discussion

The appears to be no reason to change "A" to "The" in the dependent claims. A dependent claim which starts with "A" is perfectly acceptable as evidenced by MPEP 608.01(n)(A). MPEP 608.01(n)(A) lists over ten (10) examples of "Acceptable" claim wording all starting with the word "A". This was pointed out to the examiner in the Response filed on 02/11/2005, but the examiner appears to be ignoring the MPEP and its teachings. Hundreds of thousands of U.S. patents (if not millions of U.S. patents) have issued with dependent claims starting with the word "A" rather than "The". It is ridiculous that applicant's attorney has to file a petition on this matter in view of the clear reading of the MPEP. The claim language will not be changed because of CAFC decisions regarding how claim amendments might effect file wrapper estoppel issued and the doctrine of equivalents.

Summary

The Commissioner for Patents is requested to direct the examiner to withdraw his objection regarding the dependent claim language.

Respectfully submitted,

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6/24/05
Date

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

6/24/05
Date

Mark F. Harrington
Name of Person Making Deposit